

## Message Text

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12  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

ACDA-07 SAJ-01 TRSE-00 /080 W  
----- 001415

R 041102Z DEC 76  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 3873  
INFO USMISSION USBERLIN  
AMEMBASSY BERLIN  
AMEMBASSY MOSCOW  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 20488

E.O. 11652: GDS  
TAGS: PGOV WB US UK GW FR UR  
SUBJECT: SOVIET PROTEST ABOUT JOINT MEETING OF  
SENATS OF HAMBURG, BREMEN, AND BERLIN IN  
BERLIN ON NOVEMBER 5

REFS: (A) USBER 2571; (B) USBER 2425; (C) USBER 2268

BEGIN SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT  
ON REPLY TO SOVIET PROTEST ABOUT JOINT MEETING OF  
SENATS IN BERLIN. REQUEST APPROVAL OF TEXT FOR DELIVERY  
BY CHAIRMAN POLAD. END SUMMARY.

1. DRAFTING ON THE BASIS OF THE TEXT FROM ALLIED  
MISSIONS IN BERLIN (REF A), BONN GROUP REACHED  
AGREEMENT IN DECEMBER 3 MEETING ON A REPLY TO THE  
SOVIET PROTEST ON THE JOINT MEETING IN BERLIN OF THE  
SENATS OF HAMBURG, BREMEN, AND BERLIN (REF C).  
AGREEMENT ON TEXT IS AD REF FOR ALLIES AND FINAL FOR  
FRG.

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2. BEGIN TEXT

A. WITH RESPECT TO YOUR STATEMENT OF 9 NOVEMBER ON A MEETING OF THE SENATS OF BERLIN, HAMBURG AND BREMEN WHICH TOOK PLACE IN BERLIN ON 5 NOVEMBER 1976, I HAVE BEEN ASKED BY THE THREE ALLIED GOVERNMENTS TO RECALL AND CONFIRM THE INITIAL COMMENTS MADE TO YOU ON 9 NOVEMBER BY THE CHAIRMAN POLITICAL ADVISER AND THE STATEMENTS MADE IN CONNECTION WITH SOMEWHAT SIMILAR MATTERS BY THE CHAIRMAN POLAD IN BERLIN ON 11 OCTOBER AND BY OFFICIALS OF THE THREE GOVERNMENTS TO REPRESENTATIVES OF THE SOVIET EMBASSIES IN WASHINGTON AND LONDON ON 28 MAY 1976 AND IN PARIS ON 1 JUNE 1976.

B. YOUR STATEMENT OF 9 NOVEMBER IMPLIES THAT THE MEETING OF 5 NOVEMBER WAS IMPROPER BECAUSE OF THE PROVISION OF THE QA CONCERNING ACTIVITIES OF STATE BODIES OF THE FRG. AUTHORITIES OR BODIES OF THE LAENDER ARE NOT "STATE BODIES OF THE FRG" IN THE SENSE IN WHICH THAT TERM IS USED IN THE QA. THE LETTER OF THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR CONCERNING THE INTERPRETATION OF ANNEX II, OF WHICH THE SOVIET UNION TOOK NOTE, PROVIDES THAT "THE TERM 'STATE BODIES' IN PARAGRAPH 2 OF ANNEX II SHALL BE INTERPRETED TO MEAN: THE FEDERAL PRESIDENT, THE FEDERAL CHANCELLOR, THE FEDERAL CABINET, THE FEDERAL MINISTERS AND MINISTRIES, AND THE BRANCH OFFICES OF THOSE MINISTRIES, THE BUNDESRAT AND THE BUNDESTAG, AND ALL FEDERAL COURTS." IT IS MOREOVER OBVIOUS THAT BODIES OF THE LAENDER CAN, BY THEIR VERY NATURE, EXERCISE AUTHORITY ONLY OVER THEIR OWN LAND. THE MEETING WHICH TOOK PLACE IN BERLIN ON 5

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ACDA-07 SAJ-01 TRSE-00 /080 W

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R 041102Z DEC 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 3874

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 02 OF 02 BONN 20488

NOVEMBER WAS THUS IN NO WAY INCOMPATIBLE WITH ANY OF  
THE PROVISIONS OF THE QUADRIpartite AGREEMENT.

C. YOUR STATEMENT OF 9 NOVEMBER ASSERTS THAT IT  
IS SAID IN ANNEX II, PARAGRAPHS 1 AND 2, OF THE  
QUADRIpartite AGREEMENT THAT "STATE BODIES OF THE  
FEDERAL REPUBLIC OF GERMANY WILL NOT PERFORM IN THE  
WESTERN SECTORS OF BERLIN CONSTITUTIONAL OR OFFICIAL  
ACTS." WHILE FOR REASONS JUST GIVEN THIS PROVISION  
OF THE QA IS NOT RELEVANT TO THE MEETING OF 5 NOVEMBER,  
I HAVE ALSO BEEN ASKED BY THE THREE ALLIED  
GOVERNMENTS TO POINT OUT THAT YOUR STATEMENT QUOTES IT  
INCOMPLETELY. THE RELEVANT PASSAGE OF ANNEX II READS  
THAT SUCH BODIES "WILL NOT PERFORM IN THE WESTERN  
SECTORS OF BERLIN CONSTITUTIONAL OR OFFICIAL ACTS  
WHICH CONTRADICT THE PROVISIONS OF PARAGRAPH 1." THE  
ABOVE-MENTIONED LETTER OF THE THREE AMBASSADORS TO  
THE FEDERAL CHANCELLOR STATES THAT THIS  
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PASSAGE "SHALL BE INTERPRETED TO MEAN ACTS IN EXERCISE  
OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS  
OF BERLIN." END TEXT.

3. COMMENT: IN EARLIER BONN GROUP DISCUSSION OF THIS  
PARTICULAR PROTEST, SEVERAL REPS EXPRESSED THE VIEW  
THAT, WHEN THE ALLIED REPLY IS DELIVERED, THE CHAIRMAN  
POLAD SHOULD ALSO STATE THAT IT HAD BEEN IMPROPER FOR  
MITDANK TO RAISE THE ISSUE WITH KUNZE AND TO DISPUTE  
THE GDR "NATURAL RIGHT" THESIS. (THE MITDANK-KUNZE  
CONVERSATION IS REPORTED IN USBER 2600, JUST RECEIVED.)  
ON THE BASIS OF A FRENCH REPORT THAT THE FRENCH  
MINISTER HAD ALREADY CHIDED KHOTULEV ON THE MATTER,  
HOWEVER, THE BONN GROUP SUBSEQUENTLY AGREED THAT A

FORMAL DEMARCHE ON THE MATTER WAS NOT CALLED FOR.  
EMBASSY SUPPORTS THE INTENTION OF US POLAD  
(USBER 2600, PARA 7) TO TAKE UP THE MATTER PRIVATELY  
WITH KHOTULEV TO BE CERTAIN THE MESSAGE COMES  
THROUGH.

4. ACTION REQUESTED: APPROVAL BY THE DEPARTMENT  
OF TEXT IN PARA 2 ABOVE FOR DELIVERY BY CHAIRMAN POLAD  
IN BERLIN.  
STOESSEL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** ALLIANCE, POLICIES, BERLIN QUADRIPARTITE MATTERS, DIPLOMATIC PROTESTS, CENTRAL LEGISLATURE  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976BONN20488  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760449-0553  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761271/aaaacjq.tel  
**Line Count:** 179  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 76 USBERLIN 2571, 76 USBERLIN 2425, 76 USBERLIN 2268  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 06 APR 2004  
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**Review Exemptions:** n/a  
**Review History:** RELEASED <06 APR 2004 by ShawDG>; APPROVED <06 AUG 2004 by ElyME>  
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Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SOVIET PROTEST ABOUT JOINT MEETING OF SENATS OF HAMBURG, BREMEN, AND BERLIN IN BERLIN ON NOVEMBER 5  
**TAGS:** PGOV, WB, US, UK, GE, FR, UR  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006